THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.12881 OF 2003

DT.05-07-2006

Between:

Sri Ramananda Gaudiya Math,
Sri Krishna Chaitanya Marg,
7th ward, Kovvur, West Godavari District,
rep.by its Secretary,
Bhakthi Suddehara Damodara Maharaj

.. Petitioner

A n d

The Distirct Collector, West Godavari
District, Eluru and 4 others

… Respondents

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ORDER:

This writ petition is filed with a prayer as follows:

"For the reasons stated in the accompanying affidavit, the above named petitioner prays that this Hon'ble Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent authorities in proposing to demolish the petitioner's math building bearing D.No.10-2-2, 10-2-3, 10-2-5, Compound Walls, Garden, Situated 7th ward, Sri Krishna Chaitanya Marg, Kovvur, West Godavari District, as illegal, arbitrary, unconstitutional, and violative of Art.21 and 300-A of Constitution of India, apart from violatiive of principles of

natural justice, and consequently direct the respondent authorities not to demolish any portion of the petitioner building bearing D.Nos.

10-2-2, 10-2-3, 10-2-5 and Compound Wall, Situated at 7th ward,

Sri Krishna Chaitanya Marg, Kovvur, W.G.District and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Interim directions were granted by this Court in W.P.M.P.No.16012 of 2003 on 03-07-2003.

It is stated in the counter as under:

"The Municipal authorities of Kovvur have constructed C.C. wall on the edge of the widened road and also constructed on Park to provide statues of "Saptha Rishies" under the programme of beautification of Godavari Bund. As such there is no space at all to widen the opposite side of the road.

It is submitted that as these are all the real facts, the allegations in paras 7 to 14 of the petitioner's affidavit are all not true and correct, and the same are created for the purpose to maintain this false petition. However, it is submitted before the Hon'ble Court that the road was widened without touching the compound wall of the petitioner's Math."

In view of averment in the counter that the road was widened without touching the compound wall of the petitioner's Math, recording the same the writ petition can be disposed of. If the respondents want to interfere with possession of any other property of the petitioner i.e., building or otherwise, they are not entitled to do the same, otherwise than under due process of law.

Accordingly, the writ petition is disposed of. No costs.

Date: 05-07-006.

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M.VENKATESWARA REDDY,J

Lrkm.